

**GRAND JURY FINAL REPORT
SUMMER SESSION**

**Presented To:
The Honorable Cheryl Blackburn
Criminal Court-Division Three**

**Davidson County, Tennessee
July 6, 2009 - September 25, 2009**

WE, THE DAVIDSON COUNTY GRAND JURORS FOR THE SUMMER SESSION OF 2009, SUBMIT THE FOLLOWING FINAL REPORT.

Expression of Gratitude

We would like to include several people in the expression of our gratitude for this opportunity to serve our fellow citizens.

First, we remember our forefathers who settled at Fort Nashborough in 1779, who without a vision of freedom from tyranny and having a desire of freedom of worship, none of us would be here exercising the freedom of a society whose duty is justice. We are truly grateful and owe a debt to their sacrifice for our future.

Now to our present time; we, the jurors, would like to thank the following: Judge Cheryl Blackburn, for allowing us to serve on her jury; Stanley Fossick, for his leadership in the court sessions; the District Attorney General, who guided us in law matters when definition was needed; and Daniel Newbern, whose work in processing and presenting officers' cases has sped up the justice process.

We have had several people that devoted their time to speak with this Grand Jury and educate us on different aspects of criminal investigations and human behaviors. We, at this time, would like to express our gratitude for their efforts: Capt. Todd Henry & Paul Tricky, who came with the drug task force and explained how drug trafficking works; Capt. Rita Baker, who came from the domestic violence unit and explained how most victims will not prosecute their attackers; and Officer Jessie Loy, who came from the DUI task force and explained the sobriety test.

We also would like to express gratitude to Mayor Karl Dean and Chief Ronal Serpas for taking time to talk with us about the status of Nashville. We enjoyed their insight, vision and plans for Nashville's future. We were pleased to know that crime, as a whole, has taken a

downward spiral in Nashville and that our leaders are full of hope and vision for a prosperous Nashville of tomorrow.

Concerns and Recommendations

Several cases have been presented that disturb this jury. Below are said concerns and our recommendations for the start of a solution to these problems. Also included are some praises for people that, in our view, have succeeded in finding partial solutions and have made a difference in this community. In viewing the previous two Grand Jury reports, we have found that many of our concerns have been voiced by other juries. In those cases, we will again bring to view an ongoing outcry for reform. We do this in an attempt to secure the future of our children and a better Nashville for all citizens. We, the jury, understand the economic times that we face, yet a view of an investment in tomorrow is what is needed now to ensure a happier way of life, just like our forefathers invested in our future. Let us spend money more wisely, so we can have a better return for Nashville's future.

First, we would like to bring to our leaders' attention the background checks of the present teaching staff and employees of the Metro Nashville School district who are near our children for many hours of the day. This jury has heard a case in which the hiring process of the school system failed and children were hurt because of said failure.

This jury did a further investigation on its own, hearing from Dr. Beverly Keel (the school hiring administrator). She assured us that the process going forward will work. She explained that two people were fired and a third was suspended because of the system's failure. We heard from TBI and were pleased to find out that they did their job. However, in an attempt to protect people from wrongful identity situations, a computer query was turned off, allowing these people to slip through to our children. From the TBI we also learned that in three

instances, Hamilton County was made aware of one teacher's active warrants from the FBI and never acted upon the information given to them. We have asked for a person from DCS to come and talk with us and that has not materialized.

In our own inquiries, we have found that these three agencies do not communicate to one another on a regular basis. This is very concerning, since we, the jury, see that some of the problems could be solved and our children made more safe if agencies would communicate with each other. Therefore, we recommend a representative from all three agencies meet on a regular basis to communicate. An alternative recommendation would be that a liaison be hired who works with all three agencies to keep information going between the school system, DCS, and law enforcement. We see this as very important for the future to prevent mistakes of the past.

This has been a very frustrating matter for us. Everyone talks well of the future, yet we have over 1,000 teachers and employees in the school system, and we have been told because of money and unions, redoing background checks will be a hard sell. We were told the background checks cost \$56 to conduct. A prisoner costs the tax payers \$62 a day to house. Would it not be worth an investment in saving some children the pain and damage of sexual assault to simply conduct these background checks? Statistics show that males who are assaulted have a good chance of becoming predators themselves; also drug & alcohol addiction in many young women stems from some kind of abuse. If we are talking dollars, let us save money from the future by spending a little today. Granted, we are not on a witch hunt. We know that not everyone is a predator, yet in this session we had two teachers that have come before us to be heard on indictments of sexual crimes against children. So, let us not be naive and assume that child predators, even in our prestigious school systems, do not exist. If our community does nothing in light of these cases, we open up loopholes for predators to get to our children. So let us tighten

the loop and make it rougher for them to slip through the cracks by checking all avenues available to expose this menace.

This jury has heard of fraud cases on many levels. We heard of fraud in the area of disabilities, where we learned that recipients do not have to bring in income tax returns from the previous year to renew state benefits funding. We, as citizens, have to provide three years of income tax statements to receive a loan that has to be paid back. Why would a person that is receiving assistance with living costs from the government not be required to prove they did not work the previous year? Here again, we are providing loopholes for people to commit crimes that put a strain on tax dollars. We heard a case of such fraud that continued along for years costing thousands of taxpayer dollars. Not only did this act of fraud cost the initial money from the government, but thousands of additional taxpayer dollars to investigate, prosecute, and possibly incarcerate this person. We have heard cases on TennCare fraud as well that have absolutely frustrated this jury.

This brings us to a point that Chief Serpas and two previous Grand Juries have been explaining to officials for a long time. We have heard cases where a person would have 50 to 100 charges in Davidson County alone. Most of these cases are drug and alcohol related in which they get slapped on the wrist and sent back out into the community until they roll downhill to a felony charge. We then charge and early release them without a trade or enough time for the people they hang around to leave or get incarcerated, so they just return to business as usual. It is a known fact that 10% of the population are criminals and 50% will reoffend within the first three years if released early. Why not keep them until they can be an asset to the community? Realistically, five percent will continue to be criminals and remain in prison. However, but the other five percent that are successively rehabilitated can return to gainful employment and pay

taxes which will assist in paying for those that make decisions that require them to stay in prison, instead of the present tax dollars paying for 7.5% of prisoners. It cost \$62 a day to pay for the care of a prisoner. A person making minimum wage pays \$1,845.00 in income tax and this does not include all other taxes on food, gas, i.e. that one would pay to Metropolitan Government on a yearly basis. Not only would it make more sense to invest in the rehabilitation of a prisoner, but we as a community could be proud that we assist anyone that desires to make a better life for themselves and is willing to put forth the effort to do so.

Jury Recognition

On a more positive note this jury applauds Juvenile Court Judge Green for her efforts to not only punish crime but at the same time rehabilitate the prisoner. Judge Green has developed a school that coincides with Metro schools, thus allowing young people being detained within the Detention Center to keep up to date with their educational requirements and hoping to stop the cycle that has brought them to this place in their lives. This gives the young person an opportunity to achieve something and maybe change their life's direction.

The same can be said for Judge Norman's Drug Court. We were very pleased and amazed at the 70% rehabilitation rate for this court. We were also surprised that no funding was given from the Metropolitan Government to this project. It cost \$48.00 a day for a prisoner to attend this program. We learned that \$185 million dollars were spent to add 1,500 beds to a prison that has a revolving door for prisoners, and it would have only cost \$75 million to build drug courts with the same amount of beds with a 70% rehabilitation rate. We applaud you, Judge Norman, for helping give people their lives back. With this program, most are able to gain custody back of their children, which in turn continues with the saving of taxpayer dollars that are being used to care for these children in DCS custody. It is apparent to this jury that \$48.00 dollars a day and

getting your life back is much better than \$62.00 a day with a 50/50 chance of always being a \$62.00 a day person with no hope for a better future.

Summation and Recommendation of Site Visits

This Grand Jury, like others, has taken trips to various institutions around Nashville to fulfill our obligation of inquiry on the conditions and management of the prisons and other institutions within Davidson County. Below is a summation and recommendations of those sites visited:

The Metro Police Academy: this trip enlightened jurors of the intense training our police officers endure. We were very impressed at the knowledge of the instructors and how dedicated they were to upholding the law. We would thank all the officers for showing us the facility and for their dedication to duty.

Riverbend Maximum Security Institution & Juvenile Court: this was a hard reality trip. It really opened the juries' eyes to the reality of the price one has to pay for not obeying the law. We would like to thank Steve Bell for giving the tour at Riverbend and we thank Judge Green for the presentation she gave at Juvenile Court. We the Grand Jury would recommend that the funding for the school at Riverbend continue. We understand the importance of education for the prisoner's return into society. We also recommend that there be more court officers present in the Order of Protection Court given the violent nature of domestics in that court room. Another concern this jury found at the Juvenile Detention Center was the recreational facility. It is not functional in all weather conditions. We recommend a more adequate shelter cover be installed until a permanent solution can be found.

Conclusion

In conclusion, this Grand Jury feels honored to have done our civic duty. Our recommendations are heartfelt and have been discussed many times during our sessions. We realize prisoners have rights, and we cannot force a person to respect another. We will always have prisoners until human hearts change towards one another. Let us take the example of the supreme judge who said, "Today I set before you life and death. Choose life." Let us give prisoners the same choice. This will not only ease the tax burden, but will allow our generation to fulfill the vision of our forefathers and truly fulfill society's first duty of justice, which is to live and worship in peace, free from tyranny.

Angela L. Collins

Pamela Hill

Janis Boyd

Lynne Smith

Christopher B. Smith

Don Burt

Michael Murphy

Allen R. Brown

Kimberly P. Hurst

Carl Starnes

Don McLean

Rebecca Canning

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